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1-26-01
SC

Calvin William Roth
Inst. No. CY-1623
S.C.I. @ Houtzdale
Post Office Box 1000
Houtzdale, Pennsylvania
16698-1000

January 21, 2001

"CLERK'S OFFICE"

United States District Court
228 Walnut Street
Post Office Box 983
Harrisburg, PA 17108

CIVIL ACTION NO.

**FILED
HARRISBURG**

1:CV-00-1831

JAN 25 2001

MARY E. D'ANDREA, CLERK

Per *[Signature]*
DEPUTY CLERK

Dear Sir/Madam:

By way of this letter I would like to ask the Court respectfully to grant me time to amend the above referenced by way of memorandum. Please advise as soon as possible.

Thank you for your time and kind attention in this matter. I remain...

Respectfully yours,

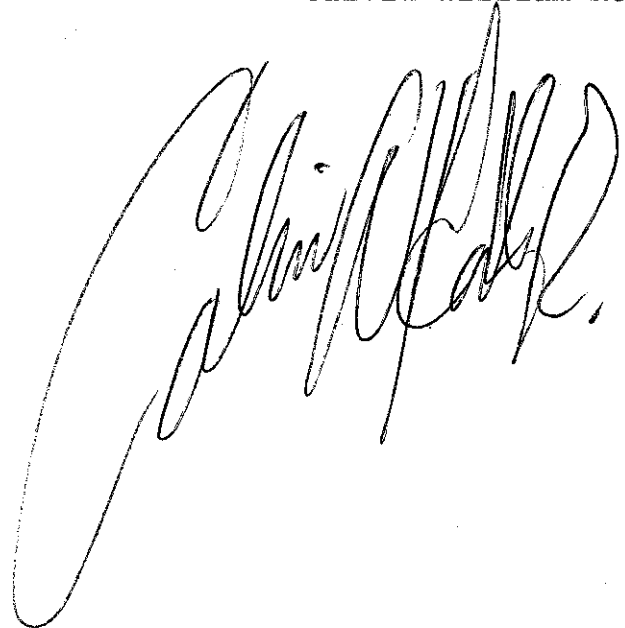
1-21-2001

Calvin William Roth

CWR:mcr

File

PRSLC Van We



ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CALVIN WILLIAM ROTH,

Petitioner

v.

COMMONWEALTH OF PENNSYLVANIA,

Respondent

: CIVIL ACTION NO. 1:CV-00-1831

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(Judge Rambo)

FILED
HARRISBURG

JAN 25 2001

MARY E. D'ANDREA, CLERK
Per MS
DEPUTY CLERK

NOTICE OF ELECTION

I, Calvin William Roth, petitioner in the
above-captioned action, have read the Order of Court which
accompanied this form notice. Pursuant to that order, I elect to
proceed in this action as follows:

_____ I have not labeled my motion, petition or pleading as a
petition for a writ of habeas corpus under 28 U.S.C. §
2254. I choose to have the court rule on my motion,
petition or pleading as filed. I understand that the
failure to bring the motion, petition or pleading under
28 U.S.C. § 2254 may be a basis for denial or dismissal
of the motion, petition or pleading.

_____ I have not labeled my motion, petition or pleading as a
petition for writ of habeas corpus under 28 U.S.C. §
2254. I choose to have my motion, petition or pleading
re-characterized as a petition for writ of habeas
corpus under 28 U.S.C. § 2254. I understand that by
doing so I lose my ability to file a second or
successive petition absent certification by the Court
of Appeals, and that the potential for relief is
further limited in a second or successive petition.

_____ I have not labeled my motion, petition or pleading as a
petition for writ of habeas corpus under 28 U.S.C. §
2254. I choose to withdraw the petition so that I may
file one, all-inclusive petition under 28 U.S.C. § 2254
within the one-year limit for filing such a petition.

X

I have labeled my petition as a petition for writ of habeas corpus under 28 U.S.C. § 2254. I choose to have the court rule on my petition as filed. I understand that I may be forever barred from presenting in federal court any claim not presented in this petition. I further understand that by doing so I lose my ability to file a second or successive petition absent certification by the Court of Appeals, and that the potential for relief is further limited in a second or successive petition.

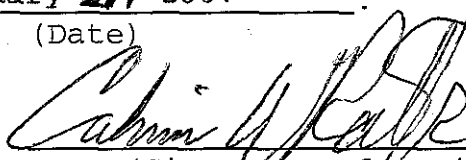
_____ I have labeled my petition as a petition for writ of habeas corpus under 28 U.S.C. § 2254. I choose to withdraw the petition so that I may file one, all-inclusive petition under 28 U.S.C. § 2254 within the one-year limit for filing such a petition.

YOUR ELECTION ON THIS FORM, AS WELL AS THE FAILURE TO MAKE AN ELECTION, WILL BE BINDING ON YOU AS RELATES TO YOUR LITIGATION IN FEDERAL COURT OF ANY CLAIM RELATED TO THE CUSTODY YOU HAVE CHALLENGED. READ CAREFULLY THE ORDER ACCOMPANYING THIS FORM NOTICE OF ELECTION.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 20, 2001

(Date)



(Signature of Petitioner)